

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 89-CR-211

v.

JOHN F. ASHLEY,

Defendant.

OPINION AND ORDER

Defendant John Ashley has filed a motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). Ashley maintains that Guidelines Amendments 66, 599, and 606 should apply retroactively to reduce his sentence. On April 3, 1990, Ashley pleaded guilty to armed bank robbery, use of a firearm during a crime of violence, and unlawful possession of a firearm by a felon. He is currently serving a 240 month term of incarceration.

Having reviewed the record, the court finds that Amendment 66 does not apply. This Amendment went into effect on October 15, 1988. Because the effective date of this Amendment preceded Ashley's guilty plea, it is not a "subsequent amendment" which can be used to reduce Ashley's sentence. See 18 U.S.C. § 3582(c). Amendment 606 merely corrects a typographical error and, thus, cannot serve to reduce Ashley's sentence either.

Finally, Ashley believes that Amendment 599 should reduce his sentence. Amendment 599 may apply retroactively, but, it cannot reduce Ashley's sentence

because he was already sentenced in conformity with the requirements of Amendment 599.

For these reasons, the court ORDERS that John Ashley's "Motion to Reduce Sentence" (filed September 8, 2005) IS DENIED.

Done and Ordered in Chambers at the United States Courthouse, Milwaukee, Wisconsin, this 13th day of December, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge